



UNITED STATES PATENT AND TRADEMARK OFFICE

W

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|-------------|----------------------|-----------------------------------|------------------|
| 09/745,202 | 12/20/2000 | Peter G. Tarle | NORC-0007-US (13245ABUS01) | 8047 |
| 7590 09/08/2004 | | | EXAMINER VINCENT, DAVID ROBERT | |
| Dan C. Hu TROP, PRUNER & HU, P.C. Suite 100 8554 Katy Freeway Houston, TX 77024 | | | ART UNIT 2661 PAPER NUMBER | |
| DATE MAILED: 09/08/2004 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,202

Applicant(s)

TARLE ET AL.

Examiner

David R Vincent

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2661

Response to Arguments

1. Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by Sladek (US 6,622,016).

As shown in Figs. , discloses a method and apparatus for establishing calls over a packet based network (e.g., col. 10, lines 64-66; col. 11, lines 14-22; using Mobile IP, col. 12, lines 21-40; voice packets, col. 11, lines 57-65),

receiving in a first switch (not further defined reads on "call agent", 70 or "soft switch", call agent and application server can be a common node, col. 11, lines 23-65; SSP, col. 3,

Art Unit: 2661

lines 40-60; MSC, col. 3, lines 61-67 or CCP, col. 4, lines 11-67)

a call request (setting up call between any devices, especially setting up a packet, call agent with connection manager, col. 11, lines 23-31; VoIP or Mobile IP call between two devices, col. 9, lines 1-7 such as e.g., 112 and 126, Fig. 3; switch receiving a request, col. 10, lines 56-61)

over a packet network (e.g., 64, Fig. 2; 122, Fig. 3), first terminal (e.g., call it T1, unit 112, or 20) associated with logical ID (not further defined, reads on e.g., ID of terminal, col. 9, lines 32-40; unique tag such as MSID, ESN, MDN or IMSI, col. 13, lines 34-53; and/or VC number included in packet from source, col. 11, lines 2-10),

first switch (first central control point CCP which comprise a soft switch/call agent, col. 12, lines 15-20; first call agent which is a switch, col. 11, lines 25-31; call agent programmed as a CCP like an HLR, col. 12, lines 46-52; home agent playing the part of a CCP, col. 12, lines 65-67; functionality of agent may reside on HLR, col. 13, lines 1-3; AS 72 and the SCP 48 can be a common entity, col. 11, lines 54-54; first SSP or first MSC comprising a VLR, col. 12, lines 50-52)

stores information relating to features of the first terminal (call agent switch stores profile logic, col. 11, line

Art Unit: 2661

66-col. 12, line 20; home/foreign agent stores profiles, col. 12, lines 49-52; the AS 72 and the SCP 48 can be a common entity, col. 11, lines 54-54, and the AS can be an application residing on an SCP or HLR, col. 11, lines 51-53; the CCP may include a call agent/switch; the SSP maintains a subscriber profile, col. 3, lines 40-60; and HLRs and VLRs store the features and profile data/tables and the HLRs and/or VLRs can be in the switch, col. 3, line 61-col. 4, line 54; col. 6, lines 51-67; col. 7, line 55-col. 8, line 31)

sending call request (using IS-41, col. 13, lines 34-52; SS7, col. 13, line 65-col. 14, line 10; using signaling messages, col. 9, lines 33-55 or call agent's connection manager) to a second switch (second agent, CCP, MSC or HLR, see above), send from second switch to first terminal a request with IP of second address (reads on completing a call setup wherein the source/first terminal calls a destination and receives the destination IP in the process, col. 9, lines 32-40; CCP translating dialed number, col. 9, lines 40-55; using IS-41, col. 13, lines 34-52; packets include source and destination IP addresses, col. 11, lines 2-14; providing the destination addresses, col. 11, lines 40-47; the destination or second terminal may be in a new area as per Mobile IP, col. 13 and may

Art Unit: 2661

have a Care of Address; call set up, col. 11, line 66-col. 12, line 20 or col. 13, line 54-col. 14, line 10)

off-hook indications (part of using the signaling protocols, such as IS-41/IS-771 and SS7 which using IAM messages is part of the protocol; or detecting that a source dialed a number, col. 9, lines 40-55), receiving the network/IP address of the source/first terminal (conforming to the signaling protocols and see above for IP addresses), determining a logical ID/virtual terminal number based (not further defined) on a network address using a table or lookup (e.g., using IP address to determine a path and a virtual circuit number, col. 11; receiving a dialed number and then determining that the destination is a mobile with an ID; ID of terminal, col. 9, lines 32-40; unique tag such as MSID, ESN, MDN or IMSI, col. 13, lines 34-53; and/or VC number included in packet from source, col. 11, lines 2-10; col. 18, lines 28-45), and


accessing the information/features/profiles in response to a request or activation of a button and determining an action to perform (using triggers features and profiles, cols. 8-30, especially col. 13, lines 16-32; col. 14, lines 30-41; col. 15, lines 51-64; col. 16, lines 3-51; col. 17, lines 1-15), as specified in claims 1-23.

Art Unit: 2661

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David R Vincent whose telephone number is 703 305 4957. The examiner can normally be reached on M-TH.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas Olms can be reached on 703 305 4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


David R Vincent
Primary Examiner
Art Unit 2661

August 31, 2004